

**UNITED STATES DISTRICT COURT**

Southern District Of California  
Office Of The Clerk  
880 Front Street, Room 4290  
San Diego, California 92101-8900  
Phone: (619) 557-5600  
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.  
Clerk of Court

**FILED**

August 13, 2007

AUG 21 2007

Clerk, U.S. District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102-3434

5-06-70750-RJ

W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Re: 07MJ1741 JMA, USA v. Juarez-Bravo

Dear Clerk of the Court:

Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the above named defendant:

<input checked="" type="checkbox"/> Docket Sheet	<input checked="" type="checkbox"/> Warrant of Removal
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Order of Removal
<input type="checkbox"/> Minute Order Appointing Counsel	<input type="checkbox"/> Detention Order
<input type="checkbox"/> Corporate Surety Bond	<input type="checkbox"/> Waiver of Removal
<input type="checkbox"/> Personal Surety Bond	
<input checked="" type="checkbox"/> Other <u>Minutes; Waiver of Rule 5(c) &amp; 5.1 hrs</u>	

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

Sincerely yours,

W. Samuel Hamrick, Jr.  
Clerk of Court

By: P. Delacruz  
P. Dela Cruz, Deputy Clerk

Minutes of the United States District Court  
Southern District of California  
August 2, 2007

HON. JAN M. ADLER

DEPUTY CLERK: ROI-ANN BRESSI

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TAPE NO. JMA07- 3:00-3:06

07MJ1741-JMA

USA

vs.

TIMOTEO JUAREZ-BRAVO - 02722359 (C)

DETENTION HEARING/

MICHAEL STEPHEN BERG, CJA N/A; PAUL TURNER,  
CJA S/A

REMOVAL/ID HEARING

AUSA: JEFF MOORE

---

DFT ADMITS ID

WAIVER OF HRG FILED

COURT ORDERS DFT REMOVED TO THE NORTHERN DISTRICT OF CALIFORNIA

WARRANT OF REMOVAL ISSUED TO USM

I hereby attest and certify on 8/10/07  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By P. Delacruz Deputy

6 MINS

Waiver of Rule 5(c) and 5.1(a) Hearings

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

TIMOTEO JUAREZ-BRAVO

Magistrate Case  
No. 07MJ1741**FILED**

AUG - 2 2007

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTYWAIVER OF RULE 5(c) and 5.1(a) HEARINGS  
(Excluding Probation/Supervised Release Violation)

I, **TIMOTEO JUAREZ-BRAVO**, understand that in the Northern District of California, charges are pending alleging violation of Title 8, United States Code, Section 1326, and that I have been arrested in the Southern District of California and taken before a United States Magistrate Judge, who informed me of the charge and of my right to:

1. Retain counsel or request the appointment of counsel if I am unable to retain counsel;
2. Request transfer of the proceedings to this district pursuant to Rule 20, Fed.R.Crim.P., in order to plead guilty if the United States Attorneys in both districts approve the transfer in writing;
3. A preliminary hearing if required by Federal Rules of Criminal Procedure 5.1 or 58(b)(2)(G) (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution; and
4. An identity hearing to determine if I am the same person named in the charging document.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☒ identity hearing
- ☐ preliminary hearing
- ☐ identity hearing and have been informed I have no right to a preliminary hearing
- ☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

0/10/07  
I hereby attest and certify on \_\_\_\_\_  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By \_\_\_\_\_ Deputy

+ Timoteo Bravo  
TIMOTEO JUAREZ-BRAVO  
Defendant

Paul AT  
Defense Counsel

8-2-07

Date

Warrant of Removal (After Waiver of Hearing)UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RECEIVED

UNITED STATES OF AMERICA

v.

TIMOTEO JUAREZ-BRAVO

Magistrate Case

No. 07MJ1741

2007 AUG -3 A 8:48

U.S. MARSHAL  
SOUTHERN DISTRICT OF


WARRANT OF REMOVAL

(After Waiver of Hearing)

To: United States Marshal

A complaint having been filed in the Northern District of California, charging defendant **TIMOTEO JUAREZ-BRAVO**, with unlawful re-entry into the United States after deportation without the permission of the Attorney General or Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326, and the above-named defendant having been arrested in this district and, after waiving hearing pursuant to Federal Rules of Criminal Procedure 5(c) and 5.1(a), having been committed by a United States Magistrate Judge to your custody pending his removal to that district,

You are hereby commanded to commit the above-named defendant forthwith to the Northern District of California and there deliver him to the United States Marshal for that district or to some other officer authorized to receive him.



**HON. JAN M. ADLER**  
United States Magistrate Judge

Dated at San Diego, California, this 2nd day of August, 2007.

RETURN

Northern District of California (at San Jose)

ss

Received the within warrant of removal the \_\_\_\_\_ day of \_\_\_\_\_, 2007, and executed same.

I hereby attest and certify on 8/10/07  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

\_\_\_\_\_  
U. S. Marshal

By \_\_\_\_\_  
Deputy Marshal

Arrest on Out-of-District Offense

# UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

07 JUL 19 PM 2:14

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

## ARREST ON OUT-OF-DISTRICT OFFENSE

BY:

DEPUTY

Magistrate Case Number: '07 MJ 1741

The person charged as Timoteo JUAREZ-Bravo, AKA: Herlindo ESPIN-Peralta  
now appears before this United States District Court for an initial appearance as a result of the  
following charges having been filed in the United States District Court for the Northern District of  
California with Unlawful re-entry into the United States after deportation without the  
permission of the Attorney General or Secretary of Homeland Security, in  
violation of Title 8, United States Code, 1326

The charging documents and the warrant of the arrest of the defendant which was issued  
by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my  
knowledge, information and belief.

DATED: 7/19/07

August M. Harrison

DEPORTATION OFFICER

(Name)

Reviewed and Approved:

Dated: 7/19/07

David Lopez

Assistant United States Attorney

I hereby attest and certify on 8/10/07  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

Jul-05-07 07:08am From-

T-931 P.002/005 F-192

AO 442 (Rev. 5/93) Warrant for Arrest

# United States District Court Northern District of California

E-filing

UNITED STATES OF AMERICA,

v.

## WARRANT FOR ARREST

JUAREZ-BRAVO, Timoteo  
aka ESPIN-Peralta, Herlindo

06 70750

RS

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JUAREZ-BRAVO, Timoteo

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint  
☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with

unlawful re-entry into the United States after deportation without the permission of the Attorney General  
or Secretary of Homeland Security

in violation of Title 8 United States Code, Section(s) 1326

Richard Seeborg  
Name of Issuing Officer

U.S. Magistrate Judge  
Title of Issuing Officer

[Signature]  
Signature of Issuing Officer

November 17, 2006, San Jose, CA  
Date and Location

RECEIVED  
U.S. MARSHAL  
NOV 17 02:33

Bail fixed at \$ No Bail

by Richard Seeborg  
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at		
Date received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest		

ORIGINAL WARRANT FILED BY  
U.S. MARSHALS, SAN JOSE  
NOV 17 2006  
DO NOT MAKE RETURN ON THIS COPY

Jul-05-07 07:08am From-

T-931 P.003/005 F-182

AO 91 (Rev. 5/88) - Criminal Complaint

## United States District Court

ORIGINAL  
FILED

E-filing

NORTHERN

DISTRICT OF

CALIFORNIA

NOV 17 2006

UNITED STATES OF AMERICA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

V.

## CRIMINAL COMPLAINT

Aka JUAREZ-BRAVO, Timoteo  
ESPIN-Peralta, Herlindo  
Name and Address of Defendant(s)

06 70750

RS

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, October 18, 2006, in Santa Clara County in the Northern District of California defendant(s) was, (Track Summary Language of Officer)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

APPROVED AS TO FORM:

Rash Feili 11/17/06  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

11/17/06

Date

at

San Jose, California

City and State

Richard Seeborg  
United States Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer



Jul-05-07 07:09am From-

T-931 P.004/005 F-182

RE: JUAREZ-BRAVO, Timoteo AKA ESPIN-PERALTA, Herlindo

A77 174 592

I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. JUAREZ-BRAVO is a 30-year-old male who has used four (4) aliases and one (1) date of birth in the past:
- (2) Mr. JUAREZ-BRAVO has been assigned one (1) Alien Registration number of A77 174 592, FBI number of 963646JB0, California Criminal Information Index number of A12338261, and a San Clara County Department of Corrections Personal File Number (PFN) of DND594.
- (3) Mr. JUAREZ-BRAVO is a native of Mexico and a citizen of Mexico since birth. A check through Service records shows that he was arrested and deported on four (4) occasions from the United States.

DATE

August 20, 1999

July 13, 2000

September 4, 2002

February 27, 2003

PLACE OF DEPORTATION

Nogales, AZ

Nogales, AZ

El Paso, TX

Nogales, AZ

- (4) Mr. JUAREZ-BRAVO was on September 4, 2002, convicted in the United States District Court, District of New Mexico for Violation Title 8 USC, Section 1326(a)(1) & (2) Re-Entry of Deported Alien. For this offense, Mr. JUAREZ-BRAVO was sentenced to 43 days time served.
- (5) Mr. JUAREZ-BRAVO last entered the United States at or near Nogales, AZ on or after February 27, 2003, by crossing the international border without inspection subsequent to deportation.
- (6) Mr. JUAREZ-BRAVO on a date unknown but no later than October 18, 2006, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after a prior arrest and deportation, without the permission of the Director of Homeland Security, in violation of Title 8, United States Code, Section 1326. On November 14, 2006, Mr. JUAREZ-BRAVO was interviewed by Immigration Enforcement Agent (IEA) Efrain Cruz at Santa Clara Co Jail Elmwood, Milpitas, California. During that interview, Mr. JUAREZ-BRAVO was advised of his Miranda rights in Spanish. Mr. JUAREZ-BRAVO waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Director of Homeland Security to reenter the United States.



Jul-06-07 07:09am From-

T-931 P.005/005 F-182

RE: RE: JUAREZ-BRAVO, Timoteo AKA ESPIN-PERALTA, Herlindo A77 174 592

- (7) Mr. JUAREZ-BRAVO was on August 12, 1998, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION DECEPTIVE GOVERNMENT ID/DRIVER LICENSE, a Misdemeanor, in violation of Section 529.5(c) of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) There is no record in the official file of the United States Department of Homeland Security, Immigration and Customs Enforcement that Mr. JUAREZ-BRAVO ever applied to the Director of Homeland Security to reenter the United States after deportation.
- (9) Mr. JUAREZ-BRAVO is currently in custody at the Santa Clara County Jail Elmwood, Milpitas, California pending local charges of False Imprisonment PC 236/237 and Assault with a Deadly Weapon PC 245(a)(1).
- (10) On the basis of the above information, there is probable cause to believe that Mr. JUAREZ-BRAVO illegally entered the United States, in violation of Title 8, United States Code, Section 1326.

  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 17<sup>th</sup> day of November, 2006

  
RICHARD SEEBORG  
CHIEF UNITED STATES MAGISTRATE JUDGE

CLOSED

**U.S. District Court  
Southern District of California (San Diego)  
CRIMINAL DOCKET FOR CASE #: 3:07-mj-01741-JMA All Defendants  
Internal Use Only**

Case title: USA v. Juarez-Bravo

Date Filed: 07/19/2007

Date Terminated: 08/02/2007

Assigned to: Magistrate Judge Jan M.  
Adler

**Defendant****Timoteo Juarez-Bravo (1)**

TERMINATED: 08/02/2007

also known as

Herlindo Espin-Peralta (1)

TERMINATED: 08/02/2007

8/10/07  
I hereby attest and certify on \_\_\_\_\_  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

**CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

By P. Peralta Deputy

**Pending Counts**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

8:1326 - Unlawful Re-Entry into the  
United States After Deportation Without

represented by **Michael Stephen Berg**

Law Offices of Michael S Berg

401 West A Street

Suite 2600

San Diego, CA 92101

(619)239-2186

Fax: (619)237-1310

Email: msberg@attglobal.net

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Designation: CJA Appointment

**Disposition****Disposition****Disposition**

Northern District of California

the Permission of the Attorney General  
or Secretary of Homeland Security  
(Felony)


**Plaintiff**

**USA**

represented by **U S Attorney CR**

U S Attorneys Office Southern District  
of California  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619)557-5610  
Fax: (619)557-5917  
Email: Efile.dkt.gc2@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant United States*  
*Attorney*

Date Filed	#	Docket Text
07/19/2007	<a href="#"><u>1</u></a>	OUT OF DISTRICT COMPLAINT as to Timoteo Juarez-Bravo (1). (dro) (Entered: 07/19/2007)
07/19/2007	<a href="#"><u>2</u></a>	Arrest of Timoteo Juarez-Bravo (kaj) (Entered: 07/23/2007)
07/20/2007	<a href="#"><u>3</u></a>	Minute Entry for proceedings held before Magistrate Judge Louisa S Porter:Initial Appearance as to Timoteo Juarez-Bravo held on 7/20/2007, dft informed of charges, attorney Michael Stephen Berg, CJA appointed for Timoteo Juarez-Bravo, Govt moves to detain due to risk of flight, Detention Hearing set for 8/2/2007 02:00 PM in Courtroom D before Magistrate Judge Jan M. Adler, Removal/ID Hearing set for 8/2/2007 02:00 PM in Courtroom D before Magistrate Judge Jan M. Adler. (Tape #POR07-1;2:40-2:45).(Plaintiff Attorney Jeff Moore).(Defendant Attorney Jennifer Coon, FD S/A). (kaj) (Entered: 07/23/2007)
07/20/2007	<a href="#"><u>4</u></a>	Oral MOTION to Detain by USA as to Timoteo Juarez-Bravo. (kaj) (Entered: 07/23/2007)
08/02/2007	<a href="#"><u>5</u></a>	Minute Entry for proceedings held before Judge Jan M. Adler :Removal/ID and Detention Hearing as to Timoteo Juarez-Bravo held on 8/2/2007. Special Appearance of Attorney as to defendant Timoteo Juarez-Bravo is Paul Turner. Defendant admits ID. Waiver of hrg filed. Court orders defendant removed to the Northern District of California. Warrant of Removal issued to USM. (Tape #JMA07-1:3:00-3:06).(Plaintiff Attorney J. Moore, AUSA).(Defendant Attorney M. Berg, CJA, N/A). (pdc) (Entered: 08/02/2007)

		08/10/2007)
08/02/2007	 <u>6</u>	WAIVER of Rule 5(c) and 5.1(a) Hearings as to Timoteo Juarez-Bravo (pdc) (Entered: 08/10/2007)